## REMARKS

Applicant respectfully requests reconsideration of this application. Claims 1-5, 7, 8, 10-12, 14-17, 19-21, 23-28, and 30-37 are currently pending.

No claims have been amended, cancelled, or added.

Therefore, claims 1-5, 7, 8, 10-12, 14-17, 19-21, 23-28, and 30-37 are now presented for examination.

### Arguments Presented

It is submitted that the issues in this matter have been discussed in significant detail in the prior responses, and for brevity Applicant retains the arguments made previously without repeating such arguments in this response.

The Applicant will limit this response to these issues: (1) the subject matter of the claims and the cited references; (2) how the claims and the cited references actually operate; and (3) the patentability of certain specific dependent claims.

### Claim Rejection under 35 U.S.C. §102

### Gambino

The Examiner rejected claims 1-4, 31-32, and 39 under 35 U.S.C. 102(b) as being anticipated by U.S Patent 6,339,796 of Gambino ("Gambino"). The Examiner has rejected **claim 39**, but such claim was previously cancelled and is not currently pending in this proceeding.

***Subject Matter of Claim and Reference***

Claim 1 provides for "**establishing secured communications**", with communications being secured using, at least in part, "a plurality of **synchronized security sequence values** for authentication of secure communications." In the detection of an event desynchronizing the secured communications, there is a request for "**resynchronization of security sequence values**". This process includes sending at least a representation of a first resynchronization value from the client device to the server and receiving a second resynchronization value in a response to the first resynchronization value. The secured communication is reestablished using the first resynchronization value and the second resynchronization value. However, it is emphasized that what is occurring regards a request for resynchronization of synchronized security sequence values**.** The other independent claims contain related elements regarding secured communications.

*Gambino* does not address synchronized security values or the resynchronization of synchronized security sequence values. In contrast to claim 1, *Gambino* is concerned only with **the order of the data and how to "resynchronize" the order of data**. *Gambino* does regard "the recovery of communication network operations after a failure of one of the network components" (*Gambino*, col. 1, lines 21-24), particularly with regard to the operation of an RTP connection in the network with and out of order arrival of data messages. However, this is exactly the point: the issue in *Gambino* is

limited to out of order arrival of data messages, and not security sequence values.

Thus, claim 1 uses the word "synchronization" with regard to security values because the correct security value in the sequence is needed to maintain the secured communications. *Gambino* uses the word synchronization in a different manner, with regard to the order of data packets. In *Gambino,* there is no indication that there is a desynchronization of secured communications – the issue is simply that the data packets are out of order.

***How the Claim and Reference Operate***

In Claim 1, the process for resynchronization includes storing a security sequence value from the plurality of synchronized security sequence values as a first resynchronization value. The process further includes detecting an event desynchronizing the secured communication, and requesting resynchronization of security sequence values. Requesting resynchronization includes sending at least a representation of **the first resynchronization value from the client device to the server device**, and receiving **a second resynchronization value in a response to the first resynchronization value**. The secured communication is reestablished using both **the first resynchronization value and the second resynchronization value**.

In this regard, *Gambino* differs from Claim 1 because:

(1) *Gambino* does not provide for resynchronizing secured communications in any case. This is shown above.

(2) *Gambino* provides for sending a status request message including a "sync number" and a "byte sequence number" from external storage. The byte sequence number is simply the sequence number for each message. The sync number is updated when there are changes, such that if the sync number is equal to or higher than the previous sync number the control information in the message is processed. It is submitted that neither number is a **synchronized security sequence value** as the numbers are not used to establish secured communications.

(3) In *Gambino*, what is received back in response to the status request message is the byte sequence number of the next piece of data that is expected. This again is **not a synchronized security sequence value.**

(4) In *Gambino*, the communications are then again begun with the data identified by the received byte sequence number. In addition to the fact that this does not provide for secured communications, neither of the numbers that are sent (the sent sync number and byte sequence number) is used in reestablishing the communications. Rather, what occurs is that the next data to be sent relates only to the received byte sequence number. **At best, the resynchronization of communication uses only the received number, not the transmitted numbers**.

It is again submitted that the arguments presented above also apply to independent **claims 31 and 33**, and thus such claims are also allowable. The remaining claims are dependent claims and allowable as being dependent on the allowable base claims.

**Claim Rejection under 35 U.S.C. §103**

**Gambino in view of Johnson**

The Examiner rejected claims 5, 7-8, 10-12, 14-17, 19-21, 23-28, 30, and 33-38 under 35 U.S.C. 103(a) as being unpatentable over Gambino in view of U.S Patent No. 6,247,059 of Johnson ("Johnson"). The Examiner has rejected **claim 38**, but such claim is not currently pending.

It is respectfully submitted that the discussion above regarding Johnson does not contain the elements missing from Gambino. For this reason, the references, alone or in combination, do not teach or suggest the elements of the claims.

As has been previously argued, *Johnson* is not relevant to the claims and does not address security. *Johnson* refers to a "sequence number", such as in a "associated sequence number indicative of a position of the multicast message within the sequence". (*Johnson*, claim 2) Specifically, Johnson involves transmission of multicast messages to members of a computing system, and involves a form of re-synchronization. However, this is not in reference to security values. When a multicast message is received, the sequence number is checked and used for comparison. "On the other hand, if the sequence number or the DOB marker contained in the multicast message do not match the sequence number or marker expected by the receiver node, a resynchronization request message will be returned by the receiver node to the sender node. The resynchronization request will cause the sender node to respond with its new marker, and the sequence number of the last multicast message

unacknowledged by the receiving node. In this way, lost multicast messages can be accounted for and delivered." (*Johnson*, col. 2, lines 51-60) The reference is simply concerned with sequencing messages, and making certain that lost messages are accounted for and delivered. As with *Gambino*, a type of "resynchronization" is involved in *Johnson* that is different than the claims and does not involve synchronized security values for the authentication of secure communications.

For at least the above reasons, *Gambino* and *Johnson*, alone or in combination, do not teach or suggest the elements of the claims because neither element addressed the claim limitations at issue.

**Dependent claims –** Even if the base claims would found to be unallowable, it is submitted that **claim 7, 15, and 24** are allowable for additional reasons. Claim 7 provides:

> 7. The method of claim 5, wherein sending at least a representation of said client and said server resynchronization values includes embedding said client and said server resynchronization values in at least one header, payload, or both of a data packet that conforms to IPsec (Internet Protocol Security) standards.

Claim 7 provided that the client and server resynchronization values are embedded in a header, payload or both of **a data packet that conforms to IPsec standards**. Claims 15 and 24 contain related limitations. It is submitted that the claim limitations are not taught by, nor would these limitation conform to, the cited references. The standard for an IPsec data packet is known, and is

provided in, for RFC 2401 (as indicated in the Specification, and as provided in the disclosure filed herewith), and the related specification, such as RFC 2402 regarding the IP authentication header and 2406 regarding the IP encapsulating security protocol. As shown in, for example, RFC 2406 section 3.1, the application of the IPsec ESP (encapsulating security payload) header will result in encryption of the data and the original data header. This would appear to make the operation of the system described by the combination *Gambino* and *Johnson* impossible as the message header (element 34a in Figure 3B of *Gambino* would be encrypted, and thus the sequence number 44 would not be usable as suggested in the Office Action.

Thus, even if it assumed that all other claim limitations are present in the cited references, it is submitted that the operation of the references would not appear to be conformable to an IPsec data packet, as provided by the limitations of claims 7, 15, and 24.

**Claim Rejection under 35 U.S.C. §103**

**Jari in view of Johnson**

The Examiner rejected claims 1, 5, 14, 17, 20, 28, 31, and 33 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0020275 of Jari, et al. (hereinafter "*Jari*") in view of *Johnson*.

*Jari* describes a communication node and a method of recovering from a temporary failure of the node. Applicant again submits that no sequence of synchronized security values is shown by *Jari*. What *Jari* shows is a plurality of security associations. There is a sequence of a sort involved, each security

association having a "header sequence number". The issue with the reference regards synchronization. The security values are not synchronized to anything. If there is a loss of power, there is no desynchronizing of the secured communications.

There is no mention of the resynchronization of communications, as claimed by the Examiner. The term "synchronization" or "resynchronization" is apparently not used in this reference. Applicant submits that the reference does not contain the elements suggested by the Examiner, and requests that the Examiner identify to what precisely the Examiner is referring.

For at least the above reasons, *Jari* and *Johnson*, alone or in combination, do not teach or suggest the elements of the claims because neither element addressed the claim limitations at issue.

**Dependent claims –** It is submitted that the arguments provided above with regard to the rejection of claims 7, 15, and 24 *Gambino* in view of *Johnson* are also applicable for this rejection of the claims. Even if it assumed that all other claim limitations are present in the cited references, it is submitted that the operation of the references would not appear to be conformable to an IPsec data packet, as provided by the limitations of claims 7, 15, and 24.

## Summary of Interview

The Applicant's representative and the Examiner engaged in a telephone interview on March 13, 2007 to discuss the application of the references to the claims, and in particular claim 1. The Applicant's representative and the Examiner did not come to an agreement.

## Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

## Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

## Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action should one be required. Please charge any fee to our Deposit Account No. 02-2666.

## Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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